CONSTITUTION
OF THE
NATIVE VILLAGE OF MEKORYUK

PREAMBLE

We, a group of Alaska Cu'pik Natives, residents of Nunivak Island, in the State of Alaska, in order to perpetuate our way of life according to our ancestors and to provide for our prosperity, do ordain and establish this Constitution by the authority of the Indian Reorganization Act (IRA) of June 18, 1934 (48 Stat. 984) as amended. When adopted by village membership of the Village and approved by the Secretary of the Interior, this Constitution shall supersede the Constitution and By-laws of the Native Village of Mekoryuk approved by the Secretary of the Interior on May 15, 1940, and the subsequent amendment of July 2, 1954.

ARTICLE I - NAME

The name of this organization shall be known as the Native Village of Mekoryuk on Nunivak Island, hereinafter called the Village of Mekoryuk.

ARTICLE II - TERRITORIAL JURISDICTION

The jurisdiction of the Village of Mekoryuk shall extend to such Indian country and subsistence activities as defined by Federal law as may exist in the vicinity of the Native Village of Mekoryuk on the Island of Nunivak, to the fullest extent permitted by Federal law, and by Mekoryuk Village law.

ARTICLE III - MEMBERSHIP

Section 1. Confirmation of Rolls. The membership of the Native Village of Mekoryuk is confirmed in accordance with the membership roll prepared by the Village and approved by the Tribal Council on October 30, 1993.

Section 2. Present Membership. Membership in the Village on and after the date of the adoption of this Article shall consist of all living persons whose names appear on the Village of Mekoryuk membership roll dated October 30, 1993, together with all children of such members, including adopted children of Alaska Native blood, born too late to be included on the roll and prior to the effective date of this section. The Tribal Council shall make any necessary corrections in the Village of Mekoryuk membership roll so that no one eligible for membership under prior constitutional provisions shall be excluded therefrom.

As per preamble, this Constitution supersedes a 1940 version →

but on its face says nothing about corporate 917 charter

OPTIONAL FORM 99 (7-90) 7/18/96

FAX TRANSMITTAL # of pages ► 12 ± 3

To Erling T. Johansen From Roger Hudson

Dept./Agency Phone # 27 E 4 Y 31

Fax # 562-7873 Fax # 7.18.96

NSN 7540-01-317-7368 5099-101 GENERAL SERVICES ADMINISTRATION

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Section 3. Future Membership. Any person who shall apply, or have application made on his/her behalf, AND who can establish eligibility under one or more of the following provisions shall be enrolled.

(a) All children of Alaska Native Blood who are residents of the Village of Mekoryuk or the neighborhood thereof and who is a descendent of an enrolled member shall be members of the Village of Mekoryuk.

(b) Any Alaska Native who becomes a permanent resident of the Village of Mekoryuk or the neighborhood thereof may become a member of the Village of Mekoryuk.

(c) Any person who has lost membership may be enrolled upon such terms and conditions as may be established by custom or pursuant to a membership and enrollment ordinance adopted in accordance with the provisions of this Article.

Section 4. Adoption. The Tribal Council shall have the power to enact and promulgate ordinances, subject to review and ratification by the Village membership, governing the adoption of persons as members of the Village of Mekoryuk.

Section 5. Loss of Membership. Any member may willingly give up membership at any time upon written notice to the Tribal Council, in which case he/she shall no longer share in the activities and benefits of this Village, but the former member may be reinstated as a member upon written application filed with the Tribal Council in accordance with the provisions established in Section 3 (c) of Article III.

Section 6. Right of Members are Prospective. No person shall be entitled to receive any payments or share in any other tribal assets which were distributed prior to the date of his/her actual enrollment.

Section 7. Membership Rules. The Village of Mekoryuk Tribal Council shall have the authority to adopt ordinances to extend the privilege of membership for village purposes to American Indian persons not otherwise eligible under Section 3 of this Article. Such persons shall not be entitled to hold elective office or vote in village elections pursuant to this constitution. The Tribal Council shall have the authority to prescribe rules and the procedures to be followed in complying and maintaining a membership roll in accordance with the provisions of this Article.

Section 8. Definition of Residence. Any person shall be considered a resident of the Village or neighborhood or vicinity who maintains a home within the Village of Mekoryuk, or in any area on or in the vicinity of Nunivak Island which may be reserved or otherwise acquired for use of the Village. Temporary absences shall not constitute loss of residence.

ARTICLE IV - CIVIL RIGHTS

Section 1. Rights. The Village of Mekoryuk in exercising its powers of self-government shall not make or enforce any law which alters, abridges, or violates the rights guaranteed by the Indian Civil Rights Act of 1968, as amended.

Section 2. Record Review. Village members shall have the right to review the minutes of village and general membership meetings and financial records at any reasonable time in accordance with procedures established by the Tribal Council. No disclosure of records shall be permitted on matters involving enrollment, adoptions, personnel records or other records of a confidential nature.

Section 3. Subsistence Rights. All members of the Village of Mekoryuk shall enjoy subsistence rights according to the life-style of the ancestors to the extent permitted by applicable law.

ARTICLE V - GOVERNING BODY

Section 1. Name. The governing body of the Village of Mekoryuk shall be the Tribal Council, hereinafter referred to as the Tribal Council.

Section 2. Composition. The Tribal Council shall consist of seven (7) members of the Village of Mekoryuk who shall be elected by a majority vote of the eligible voters at the annual membership meeting. Tribal Council members shall take office immediately upon election.

Section 3. Officers. The Tribal Council shall include a President, Vice-President, and a Secretary. The President, Vice-President and Secretary and other Tribal Council members shall be elected directly by the voters.

Section 4. Term of Office. The President, Vice-President and Secretary shall be elected by secret ballot for terms of three (3) years each. The terms of the remaining Tribal Council members shall be as follows:

(a) at the first general election following the adoption of this Constitution, the voters shall elect two (2) Tribal Council members for two (2) year terms;

(b) At the same election, two (2) Tribal Council members shall be elected for one (1) year terms.

Thereafter, at each general election, the voters shall elect the officers and other Tribal Council members for three (3) year terms. Each Tribal Council member shall hold office for the term for which he is elected and until a qualified successor is elected.

Section 5. Vacancies. Any office which has been vacated, whether it be by removal, recall, forfeiture or resignation, shall be filled through appointment by the Tribal Council at its next meeting and such replacement shall serve until the next annual meeting at which time the adult voters shall elect a replacement to serve out the unexpired term of the vacated office.

ARTICLE VI - REMOVAL, RECALL AND FORFEITURE

Section 1. Removal. Any Tribal Council member or other official found guilty by the Tribal Council of behavior involving gross misconduct in office or neglect of duty shall be removed from office by a majority vote of the Tribal Council if at least three (3) members of the Tribal Council vote in favor of such removal. Voting shall be by secret ballot. If the accused is a member of the Council, the accused shall not have the right to cast a secret ballot. The President shall vote only in case of a tie and only if not the subject of the removal action. Before any vote for removal is taken, the person subject to removal shall be given a written statement of the charges at least ten (10) days before the designated meeting. The accused person subject to removal shall be given an opportunity to answer any and all charges at a designated Tribal Council meeting. If the person subject to removal fails to appear before the Tribal Council, the Tribal Council shall proceed with the vote as scheduled. No member of the Tribal Council shall preside over the meeting at which the member's own removal is being considered. The decision of the Tribal Council shall be final.

Section 2. Recall. The members of the Village of Mekoryuk shall have the power to recall any member of the Tribal Council. The recall process shall be initiated by filing with the Tribal Council a valid petition asking for such recall signed by at least thirty (30) percent of the eligible voters and setting forth the reasons for the petition. Within thirty (30) day after receipt of a valid recall petition, the Tribal Council shall call and conduct an election to consider the recall of the official named in the petition. The election shall be conducted pursuant to the election ordinance. Once an individual has been subjected to recall proceedings, the individual shall not again be subject to such action, for the same reasons, during the balance of that term of office.

Section 3. Forfeiture. If any member of the Tribal Council shall be found guilty of a felony in any Federal or State Court, or in the event a member shall die, resign, or is absent from three (3) consecutive meetings without being excused by the Tribal Council, that member shall automatically forfeit office.

ARTICLE VII - POWERS

Section 1. Powers. The Tribal Council shall have the following powers subject to any limitations imposed by applicable Federal law and subject to all express restrictions upon such powers contained in this Constitution:

(a) To consult, negotiate, contract, or conclude agreements with Federal, State, and local governments on activities which may affect the Village of Mekoryuk on Nunivak Island.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior or his authorized representative so long as such approval is required by Federal law.

(c) To receive advice from and make recommendations to the Secretary of the Interior with regard to all appropriation estimates for all projects on the Island of Nunivak which are for the benefit of members of the Village of Mekoryuk prior to the submission of such estimates to the Office of Management and Budget and Congress.

(d) To acquire property and to accept gifts.

(e) To charter Village enterprises, corporations, and associations.

(f) To make rules and regulations governing future Village membership, loss of membership, and adoption of members, consistent with Article III Membership.

(g) To administer Village assets and manage all economic affairs and enterprises of the Village.

(h) To promote the peace, safety, health, and general welfare of the members of the Village.

(i) To enact ordinances and regulations consistent with this Constitution for the conduct and administration of all tribal elections, the appointment of an election board, and the regulation of its duties.

(j) To levy and collect taxes, fees, and assessments for village purposes upon members of the Village.

(k) To promulgate and enforce ordinances governing the conduct of all persons within the jurisdiction of the Village of Mekoryuk on Nunivak Island, and providing for the maintenance of law and order and the administration of justice by establishing a court system and defining its duties and powers.

(l) To regulate child custody and adoptions pursuant to the Indian Child Welfare Act or other applicable laws.

(m) To encourage and foster the arts, crafts, traditions, language, and culture of the Village.

(n) To manage, lease, exchange, acquire or other wise deal with Village lands and to prevent encumbrances, alienation or loss of Village property without the consent of the Tribal Council.

Section 2. Omitted Powers. Any rights and powers heretofore vested in the Village of Mekoryuk, but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the membership through the adoption of appropriate amendments to this Constitution.

Section 3. Reserved Powers. The Tribal Council may exercise such further powers as may in the future be delegated by the Village members.

ARTICLE VIII - ELECTIONS

Section 1. Voter Qualifications. Except as otherwise provided in this Constitution, any member of the Village of Mekoryuk eighteen (18) years of age or older, shall have the right to vote in all Village elections, Provided, That he or she has been a resident of the Village of Mekoryuk for at least one (1) year immediately preceding the election.

Section 2. Qualification of Candidates. Any enrolled member of the Village of Mekoryuk who is at least eighteen (18) years of age and who has resided in the Village of Mekoryuk for at least one (1) year immediately preceding the election shall be eligible as a candidate for the Tribal Council.

Section 3. Candidates. Candidates for Tribal Council seats shall be selected in accordance with the Village election ordinance.

Section 4. General Election. The general election of Tribal Council officers and Tribal Council members shall coincide with the annual general membership meeting. Notice of the election shall be given at least fifteen (15) days in advance by public posting in the Village.

Section 5. Special Elections. The Tribal Council may call special elections for any proper purpose, Provided, That at least five (5) days advance notice of such special election is published by posting in a public place.

Section 6. Election Ordinance. As soon as practicable, after the effective date of this Constitution, the Tribal Council shall adopt an ordinance establishing rules and procedures to be followed in conducting each of the various types of elections specified in this Constitution. The ordinance shall include provisions for conducting all Village elections by secret balloting, qualifications of candidates, maintenance of a current list of eligible voters, validation of petitions, the settling of election disputes and other matters necessary and appropriate to the conduct of elections.

Section 7. Election Committee. Prior to any tribal election, the Tribal Council shall appoint responsible persons to supervise, administer and conduct the election. The Tribal Council shall establish by appointment, a new election committee prior to each election. Members of the election committee shall not be members of the Tribal Council or candidates for the Tribal Council or the Tribal Court Judge.

ARTICLE IX - POPULAR PARTICIPATION IN GOVERNMENT

Section 1. Initiative. The eligible voters of the Village of Mekoryuk shall have the right to propose legislation or other village action and vote by secret ballot to determine whether the legislation or other village action shall be adopted or rejected. Upon receipt of a petition signed by at least thirty percent (30%) of the eligible voting members, the Tribal Council shall call an election to be conducted no later than thirty (30) days after receipt of the petition. An affirmative vote of at least thirty percent (30%) of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum. The Tribal Council, by an affirmative vote of the quorum of the Tribal Council, may call an election for the purpose of deciding any issue or question which is within the authority of the Tribal Council. At least thirty percent (30%) of the eligible voters must vote for the election to be binding.

Section 3. Voter Decision Binding. The decision of the majority of voters in both initiative and referendum elections shall be binding on the Tribal Council and the membership, and shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE X - DUTIES OF OFFICERS

Section 1. President. The President shall preside at all meetings of the village and of the Tribal Council and shall execute on behalf of the Village all contracts, leases, or other documents approved by the Tribal Council. The President shall vote only in case of a tie. The President shall have general supervision of all other officers, employees, and committees of the Village and see that their duties are properly performed. When the Tribal Council is not in session, the President shall be the official representative of the Village.

Section 2. Vice-President. The Vice-President shall assist the President when called upon to do so. In the absence of the President, the Vice-President shall preside and shall have all the rights, privileges, duties, and responsibilities of the President.

Section 3. Secretary. The Secretary of the Tribal Council shall act as a chairman in the event the President and the Vice-President are absent from the Village. The Secretary shall record all rules and regulations in appropriate books for the information and guidance of the Village members. It shall be the Secretary's responsibility to ensure the minutes are kept of all regular and special meetings. The Secretary shall issue notices of all meetings and elections and conduct all general correspondence as directed by the Tribal Council. At the expiration of said term of office, the Secretary shall turn over all records and papers in his possession to his successor or to the Tribal Council.

ARTICLE XI - MEETINGS

Section 1. Quorum. The quorum of the Tribal Council shall consist of four (4) members. No business shall be transacted unless a quorum is present. In the absence of a quorum, the Tribal Council may conduct work sessions.

Section 2. Regular Annual Membership. The regular annual membership meeting of the Village of Mekoryuk shall be held on a date specified by the Tribal Council.

Section 3. Regular Meetings. Regular meetings of the Tribal Council shall be held monthly, the time, place, and date to be designated by the Tribal Council. A regular monthly meeting notice shall be posted five (5) days in advance. Special meetings of the Tribal Council may be called by the President or by at least three (3) members of the Tribal Council and when so called, the Tribal Council shall have the power to transact business as in regular meetings.

Section 4. Public Meeting. All meetings of the Tribal Council shall be open to the general membership of the Village of Mekoryuk, Provided, However, That the Tribal Council may recess at its discretion to discuss any matter in executive session, if the general subject matter to be discussed is expressed in the motion calling for such session and no final or official action is taken thereon in the closed or executive session.

Section 5. Special Meetings. The general membership meeting may be called by the President and shall be called by him upon receipt of a petition signed by at least thirty percent (30%) of the eligible voting members of the Village of Mekoryuk.

Section 6. Conflict of Interest Prohibited. Tribal Council members shall not vote on any matter before the Tribal Council in which the member or the member's immediate family have a direct financial interest or from which they would uniquely benefit. Immediate family is defined as father, mother, brother, sister, wife, husband, son or daughter. In the event the Village of Mekoryuk shall determine if it or any of its members have a conflict of interest in the determination of any matter, the matter may be referred to the membership of the Village of Mekoryuk.

Section 7. Ordinances. All final decisions of the Tribal Council when enacting tribal laws shall be by ordinance. The ordinances shall be codified. Ordinances may by made available to the Village of Mekoryuk membership and others affected, upon reasonable request.

Section 8. Resolutions. All final decisions of the Tribal Council on matters of temporary interest shall be available to the village members and affected persons upon request.

Section 9. Parliamentary Procedures All meetings shall be conducted in accordance with rules adopted by the Tribal Council.

ARTICLE XII - SAVINGS CLAUSE

Nothing in this Constitution shall invalidate any law, ordinance, custom or tradition of the people of the Native Village of Mekoryuk on Nunivak Island except to the extent the same may be inconsistent with the provisions of this Constitution.

ARTICLE XIII - AMENDMENTS

The Constitution may be amended by a majority vote of the qualified voters of the Village of Mekoryuk, voting at an election called for that purpose by the Secretary of the Interior, Provided, That at least thirty percent (30%) of the qualified registered voters entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of the Tribal Council, or upon presentation of a petition signed by at least thirty percent (30%) of the qualified voters of the Village.

ARTICLE XIV - SEVERABILITY

If any provision of this Constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remaining provisions of the Constitution shall continue in full force and effect.

ARTICLE XV - ADOPTION

This Constitution, when adopted by a majority vote of the qualified voters of the Native Village of Mekoryuk, voting at an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30) of the qualified voters shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of his approval.

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the Deputy Commissioner of Indian Affairs on January 09, 1995, the foregoing Constitution of the Native Village of Mekoryuk, on Nunivak Island, Alaska, was submitted to the qualified registered voters of the Native Village of Mekoryuk and was on April 01, 1995, duly adopted/rejected by a vote of 69 for, and 7 against, and 0 cast ballots found spoiled or mutilated in an election in which at least thirty percent (30%) of the 119 members entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.

Chairman, Election Board

Election Board Member

Election Board Member

Date: April 1, 1995

APPROVAL

I, Hilda A. Manuel, Deputy Commission of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and delegated to me by 230 D.M. 2.4, do hereby approve the Constitution of the Native Village of Mekoryuk, Alaska. It is effective as of this date; PROVIDED, That nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Hilda A. Manuel

Deputy Commissioner of Indian Affairs

Washington, D.C.

Date: MAY 16 1995

CONSTITUTION AND BYLAWS
of the
NATIVE VILLAGE OF MEKORYUK

Amendment I:

The preamble of the Constitution and Bylaws of the Native Village of Mekoryuk is hereby amended to read as follows:

"We, a group of Eskimos having the common bond of living together [in] on the [Village of Mekoryuk] Island of Nunivak, Territory of Alaska, in order to have better life and greater security, make for ourselves this Constitution and Bylaws, by authority of the act of Congress of June 18, 1934, as amended by the acts of June 15, 1935, and May 1, 1936."

Article II of the Constitution is hereby amended to read as follows:

"Section 1. First Members. All persons whose names are on the list of native residents of Nunivak Island, made according to the Instructions of the Secretary of the Interior for organization in Alaska, shall be members of the Village.

"Sec. 2. Children of Members. All children of any members shall be members of the Village.

"Sec. 3. Loss of Membership. Any member may willingly give up his membership, or his membership may be taken away for good reason by the Village, or if he moves away from the ~~[Village]~~ Island, intending not to return, he shall lose his membership.

"Sec. 4. New Membership. Any person who has lost his membership and any other native person may be made a member if he sets up a home ~~[in the Village]~~ on the Island.

"Sec. 5. Membership Rules. The Village may make rules to govern membership, either for the purpose of carrying out this Article or covering membership matters not taken care of in this Article."

The foregoing amendment is herewith approved by the Assistant Secretary of the Interior and submitted for ratification by the eligible voters of the Native Village of Mekoryuk, and the eligible voters of Nunivak Island, Territory of Alaska, in an election called and held under the Instructions of the Secretary of the Interior.

Orme Lewis
Assistant Secretary of the Interior

(SEAL)

Washington, D. C.

JUL 2 - 1954

SENT BY: 8-26-96 :10:07AM : BIA→ 9072714143:# 2/ 4

CERTIFICATION

Pursuant to an order approved July 2, 1954, by the Assistant Secretary of the Interior, the attached Amendment I to the Constitution and Bylaws of the Native Village of Nekoryuk, Territory of Alaska, was submitted for ratification to the members of the Native Village of Nekoryuk and to the other eligible native residents of Nunivak Island, and was on September 29, 1954, duly ratified by the members of the Native Village of Nekoryuk by a vote of 32 for and 0 against, and by the other eligible native residents of Nunivak Island by a vote of 16 for and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378), and the Act of May 1, 1936 (49 Stat. 1250).

/s/ Tom Dotomain
Chairman, Native Village of Nekoryuk

/s/ Robert B. Gibson
Field Representative, Alaska Native Service

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